

201.3 CLEVES HISTORIC DOWNTOWN DISTRICT

§201.31 PURPOSE.

The purpose of the Cleves Historic Downtown District is to provide for a planned, pedestrian-oriented mixed-use district offering convenience goods and personal services for the everyday living needs of local residents and merchants, while encouraging the efficient use of land and coordination of uses to avoid unnecessary duplication of services. This district shall also provide for residential dwelling units located above permitted non-residential uses. Areas included in this overlay district will be readily accessible via major and minor arterial roads and shall be organized to facilitate nuisance-free circulation of traffic and to avoid adverse impact on the utilization of adjacent areas. This District will encompass Miami Avenue from Mt. Nebo to West Laird. Except as otherwise provided in this chapter, all regulations of the underlying district shall apply to and control property in the Cleves Historic Downtown District; however, that in the case of conflict between the provisions of an underlying zoning district and this overlay district, the provisions of the Cleves Historic Downtown District shall govern.

§201.32 PERMITTED USES.

(A) Shops for the retail sale of antiques, furniture, floor coverings, general dry goods and specialized clothing, shoes, lighting supplies and fixtures, glassware, hardware, jewelry, leather goods and luggage, music related items, pets, toys, sporting goods, bicycles, paints and wallpaper, florists, art supplies and art work, specialized foods, groceries and other food products, baked goods (excluding their manufacture for sale off-site), coffee, packaged liquors and beverages, stationery, books and periodicals, and tobacco.

(B) Artisan studios for the production of wares to be sold on site.

(C) Professional services, including interior decoration/design, optician services and optical supplies, real estate services and travel agencies/services.

(D) Personal services, including but not limited to barber shops, hair salons and their associated services, dry cleaning services (excluding coin-operated laundries) including custom tailoring and shoe repair, and photography studios and supplies.

(E) Health clubs.

(F) Post offices, municipal administration buildings, and police and fire stations.

(G) Libraries, museums, art galleries, and similar cultural facilities open to the general public.

(H) Offices and office buildings for all purposes, including medical/dental offices, veterinary services and medical laboratories.

(I) Financial institutions that accept deposits.

(J) Restaurants, taverns, and micro-breweries and caterers.

(1) Restaurants, taverns and microbreweries shall devote no more than 45% of their floor area to food preparation, related activities and other space not accessible to the public.

(K) General business services.

(L) Medical supplies outlets and pharmacies.

(M) Printing establishments.

(N) Residential units, provided such units are located on the second story or above of a building. First floor residential dwelling units are prohibited in this overlay district.

 **§ 201.33 CONDITIONAL USES.**

(A) The following conditional uses and their appropriate accessories are permitted provided the activity is an integral and subordinate function of the commercial business, service and office uses permitted by right in the district; the activity will enhance the ability of the Cleves Historic Downtown District to provide community commercial, service and office needs substantially similar to the uses permitted in this district and that will not detract from the creation of a compact pedestrian-oriented commercial center; and the arrangement of any conditional use, building, or structure will be mutually compatible with the organization of permitted and accessory uses to be protected in the district.

(1) Outdoor dining, in connection with a restaurant, provided that such area meets the following minimum requirements:

(a) Such area shall be designed to clearly identify the limits of the outdoor dining area, which shall not include any drive-thru facility;

(b) Entertainment, music, and sound amplifying systems shall not be permitted within the outdoor dining area;

(c) Such area shall not be permitted to locate within any minimum required front, side, or rear yard setbacks, except where a variance has been approved by the Planning Commission;

(d) Outdoor dining areas shall be operated no later than 10:00 p.m. on Sunday through Thursday inclusive, and no later than midnight on Friday and Saturday; and

(e) A minimum of three feet sidewalk clearance must be maintained for pedestrian use. Further, compliance with the Ohio Uniform Traffic Code is required.

(2) Nursery and child care centers, provided parking and loading/unloading may be achieved in the rear of the building.

(3) Drive-in banking facilities that accept deposits.

(4) Community centers for recreation, meeting, and education purposes of community residents.

(5) Off-street public parking areas, off-street commercial parking areas, subject to all applicable regulations set forth in Article VI – Off-Street Parking & Loading Requirements.

(6) Exhibition and convention halls, music halls, general purpose auditoriums.

(7) Churches and other places of worship, Sunday school buildings, and parish houses.

(8) Multi-family dwelling unit apartments provided all ground floor street frontage shall be restricted to retail, offices or business services except as otherwise provided in this chapter.

(9) Dwelling units occupied by owner-operators of attached permitted uses in the district, provided the building was originally designed for residential use, including accessory uses appropriate to the dwelling unit.

(10) Small scale cottage industry style uses involving the creation of retail goods typically catering to a specialized niche market or consumer.

(11) Small scale movie theaters restricted to three or less viewing screens.

(12) Any substantially similar use which the Planning Commission determines to be of the same character and nature as those permitted in the Cleves Historic Downtown District may be permitted in accordance with the conditional use standards set forth in Article XI – Board Of Zoning Appeals – Section 1106 Conditional Uses.

(B) Approval of these conditional uses is subject to the procedures and requirements of Article XI – Board Of Zoning Appeals – Section 1106 Conditional Uses.

§ 201.34 ACCESSORY USES.

Accessory uses, buildings, and structures which are customarily incidental and subordinate to any of the permitted uses or conditionally permitted uses in the Cleves Historic Downtown District are permitted subject to the accessory use standards set forth in Article II – Districts and General Provisions – Sections 209 and 210.

§ 201.35 MINIMUM YARD SIZES AND MAXIMUM LOT COVERAGE.

The required minimum lot and yard sizes and maximum lot coverage for the principal structure located within the Cleves Historic Downtown District shall be as follows:

(A) *Front yard setback.* The front face of the building shall be placed at the front yard line and maintain zero front yard setback. In the event the lot's front yard line is located within a public right-of-way easement, then the front face of the building shall be placed at the edge of the public right-of-way easement.

(B) *Side yard setback.* There shall be no minimum side yard setback requirement when abutting a non-residential use or non-residential zoning district. When a side yard abuts a residential use or residential zoning district, then the buffer yard requirements set forth in Article V – Minimum Dimensional Requirements – Section 503 Side and Rear Yard Requirements for Non-Residential Uses Abutting “R” Districts shall apply.

(C) *Rear yard setback.* There shall be no minimum rear yard setback requirement when abutting a non-residential use or non-residential zoning district. When a rear yard abuts a residential use or residential zoning district, then the buffer yard requirements set forth in Article V – Minimum Dimensional Requirements – Section 503 Side and Rear Yard Requirements for Non-Residential Uses Abutting “R” Districts shall apply.

(D) *Lot coverage.* The maximum lot coverage for a principal structure located in this district shall be 80%. There shall be no minimum lot coverage requirement for this district.

§ 201.36 MAXIMUM STRUCTURE HEIGHT.

The maximum height of a principal structure located in this district shall be 45 feet and contain no more than four occupied stories.

§ 201.37 MINIMUM LOT AREA.

There shall be no minimum lot area for this district.

§ 201.38 MINIMUM DWELLING UNIT AREA.

Residential dwelling units when located on the second or third floors of a structure that contains a first floor permitted retail, service or office use as provided for under this subchapter shall have a minimum livable floor area based on the following schedule:

- (A) One bedroom unit: The minimum livable floor area is 800 square feet.
- (B) Two bedroom unit: The minimum livable floor area is 950 square feet.
- (C) Three bedroom unit: The minimum livable floor area is 1,100 square feet.

§ 201.39 ARCHITECTURAL AND EXTERIOR MATERIAL STANDARDS.

(A) *Architectural standards.* Development within the Cleves Historic Downtown District must comply with the standards prescribed in this section. These standards are intended to:

- (1) Protect and enhance the physical character of the area within this overlay district;
- (2) Prevent the deterioration of property and nuisance conditions;
- (3) Encourage private investment to improve and stimulate the economic vitality and social character of the district;
- (4) Ensure that renovations and infill developments do not adversely affect the physical character of the area.

(B) *Building height, shape and scale.*

(1) On buildings taller than 15 feet, second-story windows shall be used in combination with other architectural detailing to create the appearance of a second story.

(2) Buildings vertical and horizontal dimensions shall be in proportion to one another without over-emphasis of either dimension. Horizontally long buildings shall be broken up, through use of recesses or setback variations, to cause the facade to appear as a series of proportionally correct masses.

(3) Overall building mass must consider the depth of a building in relation to both adjoining buildings and the lot upon which the building is intended. This building mass must be in appropriate proportion to other buildings adjoining this structure, the lot upon which the building is intended, as well as other similar buildings in the district.

(4) The cornice of new buildings shall be strong, well-articulated and proportioned to traditional or classical architectural design.

(5) The shape and configuration of windows and doors for either new construction or rehabilitation shall be based on traditional or classical design. The first and upper floor openings shall have a strong relationship to one another.

(6) The use of standardized corporate architectural styles associated with chain restaurants and stores is discouraged. Effort should be made to integrate the building design into the established architectural context of the surrounding neighborhood and the village as a whole.

(C) *Construction materials appropriate for the Cleves Historic Downtown District.*

(1) District buildings shall have as primary construction material of brick, stone, traditionally applied stucco and cement siding products, natural wood clapboard, wood shingles, and wood board and batten may be used in trim detail. The use of vinyl, aluminum, or steel siding, along with standard concrete masonry units and tilt-up concrete construction shall be prohibited in this district.

(2) Brick used in new buildings or additions must be similar in color, size and texture of brick and mortar joint detail to the surrounding structures. Unpainted brick is preferred, unless the building has been previously painted.

(3) Wood clapboard siding and brick shall be used on the exterior of frame buildings, must be run horizontally, and shall have appropriate lap exposure on siding or course height of brick.

(4) Slate, copper, wood or standing seam metal roofs are preferred; however, asphalt or fiberglass shingles may be used as well. Flat or shallow pitched roofs are permitted only when ornamented with shaped parapets or cornice treatments. Gambrel roofs are prohibited within the district.

(D) *Building colors.*

(1) Base building colors shall be the natural color of the material if it is brick or stone, or a neutral muted palette when another approved material is used. Brighter, more vivid colors shall be expressly reserved for limited use as building trim or accent. Alternate colors subject to Planning Commission review.

(2) Fluorescent, reflective or neon colors are prohibited in the district.

(F) *Awning standards.*

(1) Awnings shall project no more than two-thirds the width of the sidewalk or six feet, whichever is less and shall run parallel to the face of the building.

(2) Awnings shall be located within the existing building framework, between columns and below spandrel panels.

(3) Awning colors and design shall be compatible with the colors and design of the building. Structural supports for all awnings shall be contained within the awning covering.

(4) Each storefront bay shall have a similar awning to the other storefront bays on the same building.

(5) Awnings shall be designed to be harmonious with the architecture of the building that they are to be placed on. They shall relate in shape and proportion to the building's architectural elements such as window and opening shapes, facade articulation and general character of the building and shall not cover architectural features.

(6) Any proposed awning constructed of fabric shall utilize weather resistant waterproof acrylic fabrics with a minimum five year manufacturer's warranty on the fabric.

(G) *Landscape/accessory elements and structures.*

(1) Improvements in the public right-of-way must be reviewed and approved by the Planning Commission.

(2) The materials used for fences, non-structural walls, railings, and trellises are limited to natural materials or painted iron. Additional materials are subject to the Planning Commission review.

(3) Accessory structures shall be limited to the rear yard. Such structures shall not exceed one and a half stories in height. Roof style shall be limited to either gable or shed roof designs. Flat or gambrel roofs are not permitted.

(4) Detached garages shall be limited to two cars in size and may be limited to one car based upon the size of the principal structure.

(H) *Exterior lighting.*

(1) Exterior lighting poles and fixtures must be reviewed and approved by the Planning Commission.

(2) Lighting shall be used in a very limited manner, and only to highlight architectural details on a building, illuminate a sign, or to illuminate walkways and/or parking areas.

(3) The use of incandescent, natural gas or halogen lights is permitted, but sodium, colored or neon lights are prohibited. Lighting must also comply with other sections of this code.

(4) Additional exterior lighting standards may apply in Article VIII – Special Provisions for Commercial & Industrial Uses.

(I) *Mechanical equipment and utility standards.* Mechanical equipment, including air conditioning, piping, ducts, and conduits external to the building shall be concealed from view from adjacent buildings or street level by an enclosure constructed using the same exterior materials utilized in the construction of the principal building. Electric and other utility service connections shall conform to existing utility services in the area and expansion projects and shall be encouraged for all other utility service connection changes.

(J) *Window and door standards.*

(1) Windows and doors shall occupy a minimum area of 30% of the residential portion of a building's facade.

(2) Windows and doors for commercial buildings, particularly those on the first story at street level, may be larger than those typical of residential buildings. They must show proportion and symmetry to the building and to the windows of any other stories.

(3) Replacement windows shall fit the size and style of the original openings.

(4) Original window and door openings shall not be enclosed or bricked-in on the street elevation nor on any street exposure. Where openings on the sides or rear of the building are to be closed, the infill materials shall match that of the wall and be recessed a maximum of three inches within the opening.

(5) Mirrored glass is prohibited in this district. Dark or opaque glass is appropriate only for false windows on secondary facades.

(6) Glass windows shall occupy at least 75% of the front elevation area of the first floor of a building in this district. All windows located above the first floor shall have a coordinated appearance that remains in context with the first floor window design and placement.

(7) Windows on the first floor shall be a minimum of two feet above the finished floor level.

(8) The main entry of a building shall face the street. The entry of a corner building shall be located at an angle to the corner. Entries may be flush with the building or recessed.

(K) *Exterior renovation or alterations of existing structures.*

(1) Renovations, alterations or additions shall be designed and executed in a manner that is sympathetic to the particular architectural character of the structure being worked on. Architectural elements shall be sensitively designed to reflect the detailing and materials associated with the particular style of the building.

(2) Renovations and restorations of older buildings shall respect the original building design, including structure, use of materials and details. New materials or signs shall not cover original materials and detailing. Materials, such as brick, slate, glass, stone, and the like shall be retained in their original state and shall not be covered with any other contemporary materials. Materials that are incompatible with the historic character of the building shall be removed from the facade upon significant exterior renovation or restoration of the existing structure.

(L) *New construction.*

(1) New buildings shall be compatible with their surroundings. Architectural style, bulk, shape, massing, scale and form of new buildings and the space between and around buildings shall be consistent with the area, and shall be in harmony with neighboring buildings.

(2) The predominant exterior building material (greater than 60 percent) shall be brick, natural stone, tinted and textured masonry units or similar material. Vinyl, wood or metal cladding is not permitted with the exception of minor trim.

(3) New buildings shall respond to the pattern of window placement in the district. The designs of new buildings shall avoid long unrelieved expanses of wall along the street by maintaining the rhythm of windows and structural bays in the district. The preferred pattern of ground floor windows is open show windows, with inset or recessed entryways; and landscaping,

lighting and other amenities equivalent to those existing in the district. First floor window placement, design and quantity shall be compatible with the window placement, design and quantity on the second and above floor levels of a building.

(4) Buildings shall de-emphasize secondary rear or side door entrances to commercial space, unless the entrances are associated with public parking areas.

(5) The primary building entrance shall be oriented towards Miami Avenue.

(6) Accessory structures shall be constructed of the same materials and colors as the principal building.

(M) *Parking.* The preferred location for off-street parking is at the rear of the site, but in certain circumstances featuring a unique site constraint, the Planning Commission may permit off-street parking areas located in a side yard. In no case shall off-street parking be permitted in the front yard area site.

§ 201.40 SITE DESIGN STANDARDS.

Design and placement of new buildings in this district must consider the existing built environment of the surrounding area, in particular existing setbacks, building size and massing. Towards this end, the following objectives should be considered:

(A) Buildings should be sited in a manner that compliments adjacent structures. Sites should be developed in a coordinated manner to provide order and diversity and avoid an unplanned, confused development pattern.

(B) When a development site features multiple integrated buildings and other structures, a visual link between separate buildings and structures should be established, by various means, including stamped concrete walkways, arcade systems, trellises or other open structures.

(C) Buildings should be sited to minimize conflicts between pedestrians and vehicle traffic. Buildings can be linked to adjoining street sidewalks with textured paving, landscaping and trellises.

(D) Outdoor spaces between buildings should be recognized as outdoor "rooms" that have clear recognizable shapes, as opposed to being considered as "left over" areas. These spaces can be used to provide important pedestrian amenities such as benches, trellises, fountains, artwork, etc.

§ 201.41 APPLICATIONS SUBJECT TO REVIEW.

(A) The Zoning Enforcement Officer has the duty to review the following permits in the Cleves Historic Downtown District for compliance with the base requirements of the district and any other applicable sections of this Zoning Code.

(1) Signs: Permits for the installation of all signs.

(a) Commercial signage shall be limited to advertising on-premise business and shall comply with Article VIII – Special Provisions for Commercial & Industrial Uses – Section 801 – Signs & Outdoor Advertising Structures; and the following regulations:

(a-1) Ground-mounted or monument signage shall incorporate design elements and/or materials of the principal building or structure.

(a-2) Where multiple adjacent parcels are developed under one cohesive development, one larger ground-mounted sign may be permitted for the entire development. Such sign shall replace the individual ground-mounted signs for each individual parcel.

(a-3) At a minimum, all ground-mounted or monument signage shall be landscaped at the base of the sign in an area equal to twice the total square footage of all faces of the sign.

(2) Awnings: Permits for the installation of all awnings.

(3) Mechanical equipment and utilities: Permits for the installation of all exterior mechanical equipment and utility service connections.

(4) Replacement windows: Permits for the installation of replacement windows.

(5) Exterior renovation or alterations of existing structures: Permits for exterior renovations, alterations, or additions.

(6) Eating and drinking establishments: Permits for restaurants, taverns and bars.

(7) Parking: Permits for parking facilities to serve adjoining commercial and/or residential uses.

(8) Fencing of any type.

(B) All other proposed changes to a site or structure located in this district is subject to the review of the Planning Commission.

§ 209 ACCESSORY USE STANDARDS.

In all districts, except as specified in each district, accessory uses and structures shall be subject to the following requirements:

(A) No accessory building or use shall be constructed or established prior to the start of construction of the principal building or use to which it is accessory.

(B) Accessory structures shall be located on the same parcel for which the principal structure is found and shall be in compliance with the following requirements:

(1) In all residential districts, an accessory building shall not be located closer than three feet to a rear or side lot line.

(2) In all non-residential districts, an accessory building shall not be located closer than ten feet to a rear or side lot line when abutting any residential use or residential zoning district. When an accessory use abuts a non-residential use or zoning district, there shall be no side yard or rear yard setback requirements for an eligible accessory use.

(3) In the Cleves Historic Downtown District, any accessory structure design and materials must be approved by the Planning Commission.

(4) In the Cleves Historic Downtown District, there shall not be any outside open storage.

(C) An accessory building shall not be located within a front yard or side yard in any residential zoning district. An accessory building or structure shall not be located in the front yard of any non-residential zoning district.

(D) No accessory building shall be located closer than six feet to the principal building.

(E) In all residential districts, accessory buildings shall not occupy more than 25% of the rear yard area.

(F) The height of accessory structures shall not exceed the following:

(1) In all residential districts, an accessory building or structure shall not exceed a height of 15 feet.

(2) In all non-residential districts and except for fences and signs, an accessory structure shall not exceed a height of 15 feet.

(G) The measurement of the height of an accessory structure shall be measured from the lowest ground level to the highest point of the structure.

§ 210 SPECIAL ACCESSORY USE BUILDING STANDARDS.

The following buildings and structures may be located within the required yards specified, subject to the special conditions indicated.

(A) *Canopy, gas pump island.* Unenclosed canopies over gas pump islands may be located within the required front yard or side yard, provided at street intersections.

(B) *Ornamental features.* Light fixtures, flag poles, arbors, trellises, fountains, sculptures, plant boxes, plants, trees, and other similar ornamental features may be located within any yard. In no case shall any ornamental feature more than two and one-half feet in height above the curb level be located so as to block the sight distance at street or drive intersections within the designated "No Accessory Structure Zone". In the case of a street intersection, the sight triangle shall consist of the area between points 35 feet from the right-of-way line along both intersecting street.

(C) *Decks and stoops.* Porches, balconies, decks and stoops, which are uncovered, may extend into any yard; provided that such projections shall not extend into a front yard more than eight feet. Stoops may extend into a side yard not more than two feet.